

Appl. No. 10/065,595
Docket No. 125974/GEM-0053

REMARKS / ARGUMENTS

From the aforementioned telephone conversation, Applicant understands the Examiner to be restricting Claims 1-33 as follows:

- Group 1, directed to Claims 1-13,
- Group 2, directed to Claims 14-15,
- Group 3, directed to Claims 16-30, and
- Group 4, directed to Claims 31-33.

In response thereto, Applicant herein elects Group 3, directed to Claims 16-30, with traverse.

Applicant respectfully traverses the Election / Restriction requirement for the following reasons.

Applicant has provided herewith a preliminary amendment to Claim 1, which now recites structure that is necessarily used for performing the elements of Claim 16.

In view of the amendment, and while the inventions of Groups 1 and 3 are directed to different statutory classes, Applicant submits that an examination of the invention of Group 3 will inevitably result in the search of art relating to the invention of Group 1, since the art associated with the inventions of Groups 1 and 3 are related by their purpose.

Accordingly, and in accordance with MPEP §803, Applicant respectfully submits that a search and examination of Groups 1 and 3 may be made without serious burden to the Examiner, and that by removing the serious burden criteria, Applicant submits that a proper requirement for restriction is not established.

For at least this reason, this Restriction Requirement is wholeheartedly traversed, at least with respect to Groups 1 and 3, and removal of the Requirement with respect thereto is respectfully requested.

Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

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The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number regarding this Preliminary Amendment or otherwise regarding the present application.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 07-0845 maintained by Applicant's Attorneys.

Respectfully submitted,

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